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OFFICE OF PETITIONS

In re Application of :
Mohsen Shahinpoor et al :
Application No. 09/899,874 :
Filed: July 5, 2001 :
Attorney Docket No. 2313-00 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed April 28, 2005, to withdraw the holding of abandonment in the above-identified application.

The petition to withdraw the holding of abandonment is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Petitioner is advised that this is **not** a final agency action.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance mailed November 10, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 11, 2005.

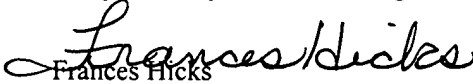
Petitioner requests withdrawal of the holding of abandonment on the grounds that the examiner advised petitioner not to pay the issue fee because he was going to provide a supplemental Notice of Allowance.

The Office notes that alleged oral advice by a USPTO employee cannot be accepted as evidence in this petition.¹ Moreover, the Notice of Allowance mailed November 10, 2004 contains only minor errors in the title. A duplicate Notice of Allowance correcting the errors may be requested from the Technology Center that mailed the Notice. However, a new issue fee due date will not be provided if the information on the original Notice of Allowance is sufficient to allow a reasonable person to timely file the proper issue fee in the correct application. Specifically, the mere filing of a request for a corrected or duplicate Notice of Allowance will not act to stay the period for paying the issue fee.²

For the above stated reasons, the petition is dismissed.

Petitioner may wish to consider filing a petition under 37 CFR 1.137 to revive this application.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.


Frances Hicks
Petitions Examiner
Office of Petitions

¹ See 37 CFR 1.2.

² See Official Gazette of June 12, 1985